

SENATE BILL No. 208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-46-5-3.

Synopsis: Transfer of human organisms and use of an embryo. Amends the definition of "qualified third party" for purposes of unlawful transfer of a human organism and unlawful use of an embryo. Amends the application provisions concerning unlawful transfer of a human organism.

Effective: July 1, 2015.

Miller Patricia

January 6, 2015, read first time and referred to Committee on Health & Provider Services.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 208

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-31.5-2-235.4 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2015]: **Sec. 235.4. "Physician", for purposes**
- 4 **of IC 35-46-5-3, has the meaning set forth in IC 35-46-5-3(a).**
- 5 SECTION 2. IC 35-31.5-2-264.8 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2015]: **Sec. 264.8. "Qualified third party",**
- 8 **for purposes of IC 35-46-5-3, has the meaning set forth in**
- 9 **IC 35-46-5-3(b).**
- 10 SECTION 3. IC 35-46-5-3, AS AMENDED BY P.L.158-2013,
- 11 SECTION 572, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a) As used in this section,**
- 13 **"physician" means an individual who:**
- 14 **(1) is licensed to practice medicine in:**
- 15 **(A) Indiana under IC 25-22.5; or**
- 16 **(B) another state;**



- 1 **(2) is board certified in obstetrics and gynecology; and**
 2 **(3) performs oocyte cryopreservation.**
 3 **(b) As used in this section, "qualified third party" means:**
 4 **(1) a fertility clinic or similar medical facility that is located in**
 5 **Indiana or outside Indiana that is:**
 6 ~~(1)~~ **(A) is accredited by an entity approved by:**
 7 **(i) the medical licensing board if the clinic or facility is in**
 8 **Indiana; or**
 9 **(ii) the authorized medical licensing board of another**
 10 **jurisdiction;**
 11 ~~(2)~~ **(B) is registered under 21 CFR 1271 with the United States**
 12 **Food and Drug Administration; and**
 13 ~~(3)~~ **(C) owned by, employs, a contracts with, or is affiliated**
 14 **with at least one (1) physician who performs medical**
 15 **services related to oocyte cryopreservation at the clinic or**
 16 **facility and is licensed under:**
 17 **(i) IC 25-22.5 who, if the clinic or facility is located in**
 18 **Indiana; or**
 19 **(ii) the laws of the jurisdiction where the clinic or facility**
 20 **is located; or**
 21 ~~(A) is board certified in obstetrics and gynecology; and~~
 22 ~~(B) performs oocyte cryopreservation at the facility.~~
 23 **(2) any entity:**
 24 **(A) whose primary business purpose includes the**
 25 **facilitation of in vitro fertilization; and**
 26 **(B) whose majority outstanding equity interests are owned**
 27 **by one (1) or more physicians authorized to perform**
 28 **services at a medical facility described in subsection (b)(1).**
 29 ~~(b)~~ **(c) Except as provided in subsection (d), a person who**
 30 **knowingly or intentionally purchases or sells a human ovum, zygote,**
 31 **embryo, or fetus commits unlawful transfer of a human organism, a**
 32 **Level 5 felony.**
 33 ~~(c)~~ **This section (d) Subsection (c) does not apply to the following:**
 34 **(1) The transfer payment to or receipt by either a woman donor**
 35 **of an ovum or a qualified third party of an amount for:**
 36 **(A) earnings lost due to absence from employment;**
 37 **(B) travel expenses;**
 38 **(C) hospital expenses;**
 39 **(D) medical expenses; and**
 40 **(E) recovery time in an amount not to exceed four thousand**
 41 **dollars (\$4,000);**
 42 **concerning in connection with a treatment or procedure to**



enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The payment to or receipt by a qualified third party of an amount for:

(A) the retrieval of a human ovum;

(B) the cryopreservation of a human ovum;

(C) the transportation of a human ovum; or

(D) any other aspect of performing services in connection with a treatment or procedure to enhance human reproductive capability through:

(i) in vitro fertilization;

(ii) gamete intrafallopian transfer; or

(iii) zygote intrafallopian transfer.

~~(2)~~ **(3) The following types of stem cell research:**

(A) Adult stem cell.

(B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

~~(d)~~ **(e) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony.**

